

### **REMARKS**

The Applicant has carefully reviewed the Decision on Appeal mailed March 9, 2009 and offers the following remarks to accompany the above amendments. The Applicant concurrently files a Request for Continued Examination.

Claims 7-9, 11-18, and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,270,831 to *Parulski* (hereinafter "*Parulski*") in view of U.S. Patent No. 5,550,938 to *Hayakawa et al.* (hereinafter "*Hayakawa*") in the Final Office Action mailed December 5, 2005. The Applicant respectfully traverses the rejection.

When rejecting a claim under § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.<sup>1</sup> The gap between the prior art and the claimed invention may not be "so great as to render the [claim] nonobvious to one reasonably skilled in the art."<sup>2</sup> In this case, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art.

More specifically, the Applicant has amended claim 7 to recite a method for correcting an aspect ratio of an image captured by an image capture device "wherein the image capture device is not a scanner." Claim 15 has been amended to include similar features. The Applicant has reviewed both *Parulski* and *Hayakawa* and submits that neither reference, either alone or in combination, discloses or suggests these features. As such, claims 7 and 15 are patentable over the cited references. Likewise, claims 8, 9, 11-14, 16-18, and 20-22, which variously depend from either claim 7 or claim 15, are patentable for at least the same reasons along with the novel features recited therein.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative

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<sup>1</sup> Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, published in the Federal Register, Vol. 72, No. 195, pages 57526-57535.

<sup>2</sup> *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q.(BNA) 257, 261 (1976).

regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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